

REMARKS

I. Introduction

Claims 11-24 are currently pending. Claims 11, 12, 16 and 17 have been amended. In view of the forgoing amendments and following remarks, it is respectfully submitted that claims 11-24 are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 11, 12, 15-17 and 20-24 under 35 U.S.C. § 103(a)

Claims 11, 12, 15-17 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. No. 2001/0021196 ("Weigl") in view of U.S. Patent No. 6,404,326 ("Timmerman"). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 11 recites, in relevant parts, “transmitting the information in successive cycles over the data bus structure, each cycle including at least one time window for transmitting information at specific points in time and at least one event window for transmitting information in response to specific events; and contemporaneously with the transmitting of the information in the at least one time window, transmitting at least one portion of the information transmitted in the at least one time window over the power line structure, thereby causing redundant information transmission. Independent claims 12, 16 and 17 have been amended to recite subject matter substantially similar to the above-recited features of claim 11.

Timmerman does not teach or suggest transmitting information in an event window. First, the claimed “event windows” are included in each successive cycle. Contrary to the Examiner’s contention that this feature is not disclosed in the claims, claim 11 expressly recites that each cycle includes at least one time window and at least one event window. Second, it is clear that the shorting of a primary communications bus in Timmerman does not constitute an event to be transmitted in an event window. The window comparators of Timmerman are hardware devices that have absolutely nothing to with cyclical time windows. In fact, nowhere does Timmerman even suggest cyclical transmission of events. The use of full duplex communication between a slave node and a master node does not cure this deficiency, since full duplex communication is also unrelated to cyclical transmission. Specifically, full duplex communication need not involve transmission in successive cycles, so that the use of full duplex does not imply cyclical transmission. Thus, Timmerman does not disclose or suggest an event window according to claim 11.

For at least the foregoing reasons, Applicants submit that claims 11, 12, 16 and 17, as well as dependent claims 15 and 20-24, are allowable over the combination of Weigl and Timmerman.

Independent of the above, claims 21-24 recite that the power line structure is not used to transmit information that is also transmitted during the at least one event window. Further, base claims 11, 12, 16 and 17 recite that the power line portion of the redundant transmission occurs contemporaneously with the transmitting of the information in the at least one time window. The combination of these recited features means that the redundant transmission is only redundant with respect to the information

transmitted during the at least one time window, and does not involve redundantly transmitting information that is transmitted in the at least one event window. Thus, during each successive cycle, only information in the time windows is transmitted across both the data bus and the power lines.

As explained above, Timmerman does not teach or suggest cyclical transmission. Therefore, Timmerman cannot possibly disclose splitting transmission cycles into time windows and event windows, while **redundantly transmitting only information that is included in the time windows, but not the event windows.**

Furthermore, Timmerman refers to the use of a secondary power bus as a complete backup system for a primary communications bus when the primary communications bus is non-operational. Therefore, even if Timmerman could be successfully combined with Weigl, the result would be re-transmission of **all the information transmitted** during a given cycle, rather than the redundant transmission of time window information.

Accordingly, Applicants submit that claims 21-24 are allowable over the combination of Weigl and Timmerman for these additional reasons.

III. Rejection of Claims 13, 14, 18 and 19 under 35 U.S.C. § 103(a)

Claims 13, 14, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Weigl and Timmerman in view of Applicant Admitted Prior Art (“AAPA”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claims 13 and 14 depend on claim 11. Claims 18 and 19 depend on claim 16. As discussed above, the combination of Weigl and Timmerman fails to render obvious claims 11 and 16. In addition, the AAPA clearly fails to remedy the deficiencies of Weigl and Timmerman as applied against parent claims 11 and 16. Accordingly, the overall teachings of Weigl, Timmerman and the AAPA cannot render dependent claims 13, 14, 18 and 19 obvious.

In view of the foregoing reasons, it is respectfully requested that the obviousness rejection of claims 13, 14, 18 and 19 be withdrawn.

CONCLUSION

In view of all of the above, it is respectfully submitted that all of the presently pending claims are allowable. A prompt, favorable action on the merits is respectfully requested.

Respectfully submitted,



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